



THE ATTORNEY GENERAL
OF TEXAS

JIM MATTON
ATTORNEY GENERAL

July 30, 1990

Mr. Robert E. Shaddock
General Counsel
State Department of Highways
and Public Transportation
11th & Brazos
Austin, Texas 78701-2483

OR90-342

Dear Mr. Shaddock:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 10055.

The State Department of Highways and Public Transportation received an open records request for a file relating to an audit performed by the department on two federally funded traffic safety projects for the City of Grand Prairie. You state that you have released to the requestor the entire audit file with the exception of one memorandum; you contend that this document comes under the protection of sections 3(a)(1) and 3(a)(11) of the Open Records Act.

We have considered the exceptions you claimed and have reviewed the document at issue. A previous determination of this office, Open Records Decision No. 210 (1978), resolves your request. The memorandum consists almost exclusively of the legal advice and opinion of one of the department's staff attorneys; as such, this document comes under the protection of the attorney-client privilege aspect of section 3(a)(1) and may be withheld in its entirety.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR90-342.

Yours very truly,


John Steiner
Assistant Attorney General
Opinion Committee

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JS/RWP/le

Ref.: ID# 10055

cc: Kent R. Smith
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